

# City of Brighton

*500 S. 4th Avenue  
Brighton, CO 80601*



## Meeting Minutes

Tuesday, April 21, 2020

6:00 PM

Virtual Meeting

## City Council

*MAYOR - GREGORY MILLS*

*MAYOR PRO TEM - MATT JOHNSTON*

*COUNCIL MEMBERS:*

*CLINT BLACKHURST, ADAM CUSHING, MARK HUMBERT,  
KRIS JORDINELLI, MARY ELLEN POLLACK, TIM WATTS*

**1. CALL TO ORDER**

*Mayor Mills called the meeting to order at 6:01 p.m.*

**A. Pledge of Allegiance to the American Flag**

*Councilmember Watts led the recitation of the Pledge of Allegiance to the American Flag.*

**B. Roll Call**

**Present:** 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

**2. APPROVAL OF REGULAR AGENDA**

*City Clerk Natalie Hoel explained that the letters under Item 9 were labeled 9A, 9A and 9B and they have been corrected to 9A, 9B and 9C.*

**Motion by Councilmember Blackhurst, seconded by Councilmember Humbert, to approve the Regular Agenda as amended. Motion passed by the following vote:**

**Aye:** 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

**3. CONSENT AGENDA**

**A. Approval of the March 3, 2020 City Council Minutes**

**B. Approval of the March 14, 2020 City Council Minutes**

**C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING MARDITA MURPHY AS A PROFESSIONAL MEMBER OF THE BRIGHTON HISTORIC PRESERVATION COMMISSION TO FILL AN UNEXPIRED TERM TO JUNE 2022**

**Resolution No: 2020-41**

**D. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING THE BRIGHTON MUNICIPAL CODE BY REPEALING AND REENACTING SECTIONS 9-8-90 AND 12-20-40 REGARDING RULES AND REGULATIONS FOR PARKS, PARK FACILITIES, AND OPEN SPACE AREAS (FIRST READING)**

**Motion by Councilmember Humbert, seconded by Councilmember Watts, to approve the Consent Agenda as presented. Motion passed by the following vote:**

**Aye:** 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

**4. CEREMONIES**

**A. Suicide Prevention Education Awareness Knowledge Week Proclamation**

*Councilmember Blackhurst read the Proclamation into the record.*

**Motion by Councilmember Blackhurst, seconded by Councilmember Watts, to approve the Proclamation. Motion passed by the following vote:**

**Aye:** 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

**5. PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA  
(Speakers limited to five minutes)**

**6. PUBLIC HEARINGS**

**7. ORDINANCES FOR INITIAL CONSIDERATION**

**8. RESOLUTIONS**

**A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO CONTINUING THE DECLARATION OF LOCAL DISASTER EMERGENCY OF THE CITY OF BRIGHTON, COLORADO**

*Mayor Mills read the title of the Resolution into the record.*

*Acting City Manager Falconburg introduced Emergency Management Coordinator Stephanie Hackett.*

*Emergency Management Coordinator Stephanie Hackett explained that this Resolution would extend the existing Emergency Declaration indefinitely. This would allow staff to make emergency purchases and take emergency actions for the near future. This would be brought back to Council when the City is in a recovery period to be rescinded.*

**Motion by Councilmember Jordinelli, seconded by Councilmember Humbert, to approve Resolution 2020-42. Motion passed by the following vote:**

**Aye:** 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

**B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING COLIN BAENZIGER AND ASSOCIATES' PROPOSAL TO PROVIDE EXECUTIVE SEARCH SERVICES FOR CITY MANAGER FOR A FIRM FIXED FEE OF \$24,800.00, AND AUTHORIZING THE ADMINISTRATIVE SERVICES DIRECTOR TO EXECUTE AND SIGN AN AGREEMENT CONSISTENT WITH THIS RESOLUTION**

*Mayor Mills read the title of the Resolution into the record. Administrative Services Director Karen Borkowski Surine answered questions from Council regarding:*

- *The Council receiving regular updates regarding the search process.*

**Motion by Mayor Pro Tem Johnston, seconded by Councilmember Cushing, to approve Resolution 2020-43. Motion passed by the following vote:**

**Aye:** 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

**C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE CHANGE ORDER OF MOUNTAIN STATES IMAGING LLC AND APPROVING AMENDMENT #1 TO THE CONTRACT FOR DIGITIZATION OF DEPARTMENT RECORDS, PROJECT #19-005, TO MOUNTAIN STATES IMAGING LLC UP TO THE NOT TO EXCEED AMOUNT OF \$122,342.49, AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO SIGN THE CONTRACT AMENDMENT #1 ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO**

*Mayor Mills read the title of the Resolution into the record.*

*Community Development Director Holly Prather presented the Building Division Records Management Digitization Project change order request. City Council approved a bid in 2019 for the digitization project for all of the Building Department records including address files and commercial and industrial plans. The contract was awarded to Mountain States Imaging for \$98,670. The records management includes the scanning of all regular and large-format sized documents; conversion of all documents to a digital format that can be indexed and searched; boxing and transport of all files to and from the facility for digitization; destruction of files and electronic delivery of all digital data to the City. The project began in summer, 2019 and in December a representative from MSI contacted staff and explained that they had miscalculated the cost to digitize the records. City staff worked with MSI to determine the estimated work and cost remaining to complete the project. The cost to complete the work as set forth in the proposed change order is \$122,342.49.*

*This project would improve City workflows and allow for faster service to anyone requesting this information. The digitized records would be available to staff working remotely during times like these, cost efficiencies in regards to time and space, improved security for documents and knowing there is a backup of the files. Having the files digitized is a benefit to existing residents, future residents, business owners, CORA requestors, staff and emergency responders. Digitizing the records as soon as possible would allow for remote access to the files, which is needed at this time with staff working remotely and would allow for future growth in the area for staff.*

*Staff presented two alternatives to the change order. Alternative #1 would pull the project from MSI and rebid the project. This would include returning the files and storing them until a new company could complete the project. This would delay the project for approximately one year. Alternative #2 would have the project completed in-house. This would require hiring temporary staff to scan any document up to 11" x 17". The City does not have the equipment to scan the large rolled plans so a new scanner would have to be purchased to complete this process. This could delay the project for one to three years. This would be a cumbersome process and could potentially cost more than the change order.*

*This change order is for a lot of money, but MSI specializes in scanning and digitizing records. They have done work for many cities and counties in the state. MSI has a team of ten people working on the project. Based on the analysis, staff believes it is in the best interest of the City to move forward with the proposed change order. Director Prather and City Attorney Jack Bajorek answered questions from Council regarding:*

- The next highest bids for this project.*
- The City having any recourse for a company to underbid and come back with a large change order for more than the cost of the original project.*
- The complete cost of the project with the change order.*
- The way this project was presented in 2019.*
- The name of the company.*
- The City of Brighton or any other nearby entities having used this company before.*
- The ability to get the money back.*

**Motion by Mayor Pro Tem Johnston, seconded by Councilmember Pollack, to deny the Resolution. Motion passed by the following vote:**

**Aye:** 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

**D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE ADAMS COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT SUBGRANTEE AGREEMENT FOR PROGRAM YEAR 2019 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENT ON BEHALF OF THE CITY**

*Mayor Mills read the title of the Resolution into the record.*

*Acting City Manager Falconburg introduced Strategic Initiatives & Government Affairs Manager Nicole Samson.*

*Strategic Initiatives & Government Affairs Manager Nicole Samson presented a Resolution to approve the Subgrantee Agreement with Adams County, which allows Brighton to receive Community Development Block Grant Funds to improve the walkability and wheelchair accessibility along Southern Street. The City applied for this grant last year to fund the ADA Sidewalk improvements to install curb ramps along the sidewalks on the north side and south side of Southern Street from 4<sup>th</sup> Avenue to 12<sup>th</sup> Avenue. Brighton has been awarded up to \$181,839 in CDBG funds for the construction of this project. The total estimated construction cost is \$216,537, which leaves an outstanding balance of just over \$30,000 to be paid by the City. These funds are available in the 2020 budget. This improved accessibility will benefit the residents along Southern Street, those attending schools and using trails in the area. This project will fund work for people during this time when the economic activity has slowed. If this agreement is approved, a list of contractors would be brought back to Council and work could begin this summer. Staff recommends approval of the agreement. Manager Samson and Engineer Christopher Montoya answered questions from Council regarding:*

- The need for sidewalk improvements on South Main Street.*
- The requirement for new businesses to fix the sidewalk in front of their building.*
- There currently being ADA ramps along Southern Street.*
- All of the ramps along Southern Street being torn out and replaced.*
- There being over 200 million dollars in sidewalk work that has to be completed.*
- The budget being available and when the work would be done.*

**Motion by Councilmember Blackhurst, seconded by Councilmember Humbert, to approve Resolution 2020-44. Motion passed by the following vote:**

**Aye:** 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

**9. UTILITIES BUSINESS ITEMS**

**Resolutions**

**A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF HAZEN AND SAWYER AND AWARDDING THE CONTRACT FOR EPA RISK ASSESSMENT, PROJECT #20-021, TO HAZEN AND SAWYER FOR THE CONTRACT AMOUNT NOT TO EXCEED \$133,020.00, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO**

*Mayor Mills read the title of the Resolution into the record.*

*Acting City Manager Falconburg introduced Infrastructure Director Mike Woodruff.*

Infrastructure Director Mike Woodruff presented the EPA Risk Assessment project. In 2018, the America's Water Infrastructure Act (AWIA) was passed to revitalize and reassess public water utilities. Section 2013 of the AWIA requires that all community water systems with more than 3300 customers conduct a Risk and Resiliency assessment, and develop an Emergency Response Plan. The completion of these is important not only to comply with regulations but also to ensure Brighton's water system remains resilient for the future and protected from hazards, both natural and unnatural. This assessment will cover the potential malevolent acts on the water system, the resilience of the current infrastructure, monitoring practices, billing systems, and operation and maintenance among other subjects within the plan. The Emergency Response Plan will serve as a strategic plan in the event that the Brighton drinking water system is compromised from either malevolent acts or natural hazards. Five proposals were received ranging from \$90,848 to \$196,077. Staff analyzed and evaluated the proposals and interviewed two of the firms. Staff finds that the most responsive and responsible bidder is Hazen and Sawyer with a not to exceed bid of \$133,020. This proposal included a base bid and two additional options selected by staff to best meet the City's needs. Staff believes accepting the proposal from Hazen and Sawyer for this project would accomplish the following:

- Provide long term, reliable assessment of the state of Brighton's water infrastructure and the potential hazards it could be exposed to.
- Provide a functional Emergency Response Plan that would be followed if the water system were to be compromised to protect residents.
- Meet EPA/America's Water Infrastructure Act regulations.

This process needs to be completed, submitted and in place by July 2021. This has no bearing on water quality; it is to identify any potential hazards to the water system. Director Woodruff and City Attorney Bajorek answered questions from Council regarding:

- The City being in EPA compliance at this time.
- The number of cities spending this amount of money to complete a risk assessment.
- The amount of money being spent having anything to do with the City being out of compliance in the past.
- The amount other cities are spending for the risk assessment.
- The contract price not exceeding the amount that was bid.

**Motion by Councilmember Blackhurst, seconded by Councilmember Jordinelli, to approve Resolution 2020-45. Motion passed by the following vote:**

**Aye:** 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

## Ordinances

### **B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING SECTION 2.F. OF ORDINANCE 2305 REGARDING THE BRIGHTON CUSTOMER ASSISTANCE PROGRAM (FINAL READING)**

*Mayor Mills read the title of the Ordinance into the record.*

*Acting City Manager Falconburg explained that this is the final reading of the Ordinance and there have not been any changes since first reading.*

*Mayor Mills asked if there were any comments from the audience on the second reading of the Ordinance, there were none.*

**Motion by Councilmember Cushing, seconded by Councilmember Humbert, to approve Ordinance 2336. Motion passed by the following vote:**

**Aye:** 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

**C. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING, FOR TWO MONTHLY BILLING CYCLES, CERTAIN SECTIONS OF CHAPTERS 13 AND 14, REGARDING WATER, WASTEWATER AND STORM DRAINAGE RATES, FEES AND CHARGES ASSESSED BY THE CITY OF BRIGHTON; SETTING FORTH EFFECTIVE DATES FOR SAID RATES, FEES AND CHARGES; AND OTHER DETAILS RELATED THERETO (FINAL READING)**

*Mayor Mills read the title of the Ordinance into the record.*

*Acting City Manager Falconburg explained that this is the final reading of the Ordinance and there have not been any changes since first reading.*

*Mayor Mills asked if there were any comments from the audience on the second reading of the Ordinance, there were none.*

**Motion by Councilmember Watts, seconded by Councilmember Jordinelli, to approve Ordinance 2337. Motion passed by the following vote:**

**Aye:** 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

**10. GENERAL BUSINESS**

**11. REPORTS**

**A. By the Mayor**

*Mayor Mills attended the Metro Mayors meeting. Mayor Mills asked that Councilmembers that attended the NLC Conference put together a presentation for the next Study Session. Mayor Mills announced that the Census can be done online and the Ward 2 Special Election is next week.*

**B. By Department Heads**

**C. By the City Attorney**

*City Attorney Bajorek explained that the City of Brighton does not prohibit bicycles on sidewalks.*

**D. By the City Manager**

**12. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS**

*Councilmember Cushing attended the DRCOG meeting.*

*Councilmember Jordinelli attended the Link meeting.*

*Councilmember Humbert attended the Housing Authority meeting.*

*Councilmember Watts attended the Brighton Fire District meeting.*

**13. EXECUTIVE SESSION**

**14. ADJOURNMENT**

**Motion by Councilmember Blackhurst, seconded by Councilmember Humbert, to adjourn at 8:02 p.m. Motion passed by the following vote:**

**Aye:** 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts




**CITY OF BRIGHTON, COLORADO**

  
\_\_\_\_\_  
Gregory Mills, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Natalie Hoel, City Clerk

  
\_\_\_\_\_  
Approval Date